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7 SEAN LYON JOHNSON,
8 Plaintiff,
9 v.
10 KELLI EVANS, et al.,
11 Defendants.

Case No. [22-cv-02664-SI](#)

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**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING CASE**

Re: Dkt. No. 8

18 On May 23, 2022, Magistrate Judge Beeler entered a Report and Recommendation advising
19 this Court to dismiss plaintiff Sean Lyon Johnson's complaint for failure to plead legally viable
20 claims. Dkt. No. 8. Johnson filed an objection on June 6, 2022. Dkt. No. 10 (captioned "notice of
21 appeal"). The Court finds Johnson's submission unpersuasive and will adopt the Report and
22 Recommendation and dismiss the case.

23 In an underlying state court lawsuit, Johnson was unsatisfied with (1) the damages amount
24 awarded to him by Judge Kelli Evans of the Alameda County Superior Court, and (2) how two state
25 court deputy clerks performed their duties. *Id.* at 1. He sued all three in the Northern District of
26 California to obtain a written apology, the removal or reassignment of Judge Evans and one of the
27 clerks, and \$10,000 from each defendant. *Id.* at 2. Magistrate Judge Beeler correctly observed that
28 Judge Evans is absolutely immune from liability for damages for decisions arising out of the exercise
of her judicial functions, *Mireles v. Waco*, 502 U.S. 9, 11 (1991); *Sharnese v. California*, 547 F.
App'x 820, 822–23 (9th Cir. 2013), and that such immunity extends to individuals—such as the
court clerks—performing functions necessary to the judicial process. *Miller v. Gammie*, 335 F.3d
889, 895–96 (9th Cir. 2003). And to the extent Johnson challenges the Judge Evans' decisions, the
Rooker-Feldman doctrine prevents federal courts from exercising subject matter jurisdiction over

1 direct or de facto appeals from state-court judgments. *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462
2 (1983); *Rooker v. Fid. Trust Co.*, 263 U.S. 413, 482 (1923).

3 The lawsuit is **DISMISSED** without leave to amend.
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5 **IT IS SO ORDERED.**

6 Dated: June 22, 2022



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8 SUSAN ILLSTON
United States District Judge
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